

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNICARE LIFE & HEALTH INSURANCE
COMPANY, a Delaware Corporation,,

Plaintiff,

Civil Case Number: 06-15612

v.

NORMAN CARL and INGEBORG
SCHNEIDER, a/k/a INGEBORG BLUM,

DIST. JUDGE PAUL D. BORMAN
MAG. JUDGE STEVEN D. PEPE

Defendant.

**ORDER: (1) ACCEPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION IN FAVOR OF GRANTING PLAINTIFF'S MOTION TO
DEPOSIT FUNDS WITH THE COURT AND FOR A COMPLETE AND TOTAL
DISCHARGE; AND
(2) ALLOWING PLAINTIFF'S ADDITIONAL ATTORNEY'S FEES AND COSTS TO
BE WITHHELD (DOCK. NO. 27)**

Before the Court is the Magistrate Judge's June 22, 2007 Report and Recommendation in favor of granting Plaintiff's Motion to Deposit Funds with the Court and for a Complete and Total Discharge. In addition to recommending the Court accept the interpleader, the Magistrate Judge recommended that Plaintiff be allowed to withhold \$4,000.00 for attorney's fees and costs incurred as a result of the interpleader.

Since the Magistrate Judge's May 2, 2007 hearing on Plaintiff's motion, Defendant Schneider has fired her attorney, pursuant to a letter dated May 25, 2007. Defendant's decision to terminate her attorney necessitated the filing of a June 5, 2007 Motion to Withdrawal, filed by Defendant's then-attorney. As a result of that filing, the Court held a hearing on the matter on June 25, 2007 and granted the motion. Additionally, Defendant filed a settlement offer letter on June 11, 2007, and a supplemental brief, received by the Court on June 27, 2007. The Court held

another hearing on June 28, 2007, due to the additional filings. At the June 28, 2007 hearing, counsel for Unicare stated that his fees were \$10,000.00.

As a result of Plaintiff's added time necessitating response to Defendant's additional filings and also appearing in Court on the Defendant's counsel's Motion to Withdraw, and the June 28, 2007 hearing, the Court finds that additional attorney's fees and costs were incurred by Plaintiff, in the amount of \$3,000.00. The Court, however, has cut back on Plaintiff's fee request from \$10,000.00 to \$7,000.00.

Accordingly, having reviewed that Report and Recommendation, the subsequent filings, and having presided over two hearings this week, the Court enters as its findings and conclusions the Report and Recommendation GRANTING Plaintiff's Motion to Deposit Funds with the Court and for a Complete and Total Discharge. However, the Court allows Plaintiff to WITHHOLD an additional \$3,000.00 – representing attorney's fees and costs incurred as a result of Defendant's subsequent additional filings and proceedings before the Court – bringing the total amount withheld by Plaintiff to \$7,000.00.

SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: June 28, 2007

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on June 28, 2007.

s/Denise Goodine
Case Manager